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General Insolvency Counsel for Heartwise, Inc.

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:

Case No.: 8:20-bk-13335-MW

HEARTWISE, INC.,

Chapter 11

Debtor in Possession.

**NOTICE OF MOTION AND MOTION
FOR ORDER (1) APPROVING
DISCLOSURE STATEMENT
DESCRIBING HEARTWISE, INC.'S
CHAPTER 11 PLAN OF
REORGANIZATION, AND (2) SETTING
PLAN SOLICITATION AND
CONFIRMATION PROCEDURES AND
DEADLINES**

Hearing Date, Time and Location:

Date: May 12, 2021
Time: 2:00 p.m.
Place: 411 West Fourth Street
Santa Ana, CA 92701
Courtroom 6C

**NOTICE OF MOTION AND MOTION FOR ORDER (1) APPROVING DISCLOSURE STATEMENT
DESCRIBING HEARTWISE, INC.'S CHAPTER 11 PLAN OF REORGANIZATION, AND (2) SETTING
PLAN SOLICITATION AND CONFIRMATION PROCEDURES AND DEADLINES**

1 **PLEASE TAKE NOTICE** that on May 12, 2021, at 2:00 p.m., before the Honorable Mark
2 S. Wallace, United States Bankruptcy Judge, at 411 West Fourth Street, Courtroom 6C, Santa Ana,
3 CA 92701, a hearing will be held to consider this Motion by Heartwise, Inc. (the “Debtor”) for an
4 order (1) approving this “Disclosure Statement (the “Disclosure Statement”) Describing Heartwise,
5 Inc.’s Chapter 11 Plan of Reorganization (the “Plan”) as having adequate information as required
6 under 11 U.S.C. § 1125(b), and (2) setting solicitation and confirmation procedures and deadlines.

7 **PLEASE TAKE FURTHER NOTICE** that pursuant to the General Order 21-03 Reopening
8 Intake Areas in All Divisions, most bankruptcy matters are currently being heard remotely through
9 telephonic or by video means, and that the Court’s telephonic appearance instructions may be
10 viewed at <https://www.cacb.uscourts.gov/judges/honorable-mark-s-wallace>.

11 **PLEASE TAKE FURTHER NOTICE** that upon approval of the Disclosure Statement by
12 the Court, all parties that received this Notice will receive a copy of the Disclosure Statement, the
13 Plan, and if allowed to vote, a ballot for voting on the Plan, without taking any further action.

14 **PLEASE TAKE FURTHER NOTICE** that the Disclosure Statement and Plan are on file
15 with the Clerk of the Court and may be viewed and/or copied during regular business hours, Monday
16 through Friday.

17 **PLEASE TAKE FURTHER NOTICE** that on March 20, 2021, a copy of both the
18 Disclosure Statement and Plan were mailed to each of the parties receiving this Notice with the
19 exception of the Securities and Exchange Commission, which will receive a copy of the Disclosure
20 Statement and Plan concurrently herewith, however, any further request for a copy of the Disclosure
21 Statement and Plan prior to the hearing on the Disclosure Statement must be made in writing and
22 sent to Blakeley LLP, Attn: Ronald A. Clifford, Esq., 18500 Von Karman Ave., Suite 530, Irvine,
23 CA 92612, by facsimile at 949-260-0613, or by electronic mail at RClifford@BlakeleyLLP.com.

24 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rules 3017-1(b)
25 and 9013-1(f), no later than 14 days prior to the hearing on this Motion, any party who wishes to
26 assert an objection to this Motion or the Disclosure Statement must file a written objection with the
27 Clerk of the Court and serve such objection on (1) the Office of the United States Trustee, Attn:

Nancy Goldenberg, 411 West Fourth Street, Suite 7160, Santa Ana, CA 92701, and (2) counsel to the Debtor, Blakeley LLP, Attn: Ronald A. Clifford, 18500 Von Karman Ave., Suite 530, Irvine, CA 92612.

PLEASE TAKE FUTHER NOTICE that pursuant to Local Bankruptcy Rule 9013-1(h), failure to timely file and serve any objections to this Motion or the Disclosure Statement may be deemed to be consent to the relief requested in this Motion and approval of the Disclosure Statement.

WHEREFORE, the Debtor respectfully requests that the Court enter an order:

- (1) Granting this Motion in its entirety;
 - (2) Finding that the Disclosure Statement contains adequate information as required by 11 U.S.C. § 1125(b);
 - (3) Approving the Disclosure Statement;
 - (4) Setting procedures, dates, and deadlines regarding the distribution of the Disclosure Statement, Plan, and ballots for voting on the Plan, and confirmation of the Plan; and

For such other relief as the Court deems just and appropriate.

Dated: March 31, 2021

BLAKELEY LLP

By: /s/ Ronald A. Clifford
Ronald A. Clifford

General Insolvency Counsel for Heartwise, Inc.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

18500 Von Karman Ave., Suite 530, Irvine, California 92612.

A true and correct copy of the foregoing document entitled: *Notice of Motion and Motion for Order (1) Approving Disclosure Statement Describing Heartwise, Inc.'s Chapter 11 Plan of Reorganization; and (2) Setting Plan Solicitation and Confirmation Procedures and Deadlines* was served in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On March 31, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Michael Jay Berger; michael.berger@bankruptcypower.com; yathida.nipha@bankruptcypower.com;
michael.berger@ecf.inforuptcy.com

Nancy S. Goldbenberg; nancy.goldenberg@usdoj.gov

United States Trustee (SA); ustpregion16.sa.ecf@usdoj.gov

Eve H Karasik on behalf of Interested Party Levene, Neale, Bender, Yoo & Brill L.L.P. ehk@lnbyb.com

Monica Y Kim on behalf of Creditor Vitamins Online, Inc. myk@lnbrb.com, myk@ecf.inforuptcy.com

Anthony Bisconti on behalf of Creditor Robinson Pharma, Inc.

tbisconti@bienertkatzman.com, 4579179420@filings.docketbird.com; chowland@bienertkatzman.com

Steven J. Katzman on behalf of Creditor Robinson Pharma, Inc.

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admin@bienertkatzman.com; chowland@bienertkatzman.com; 4579179420@filings.docketbird.com

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K. Luan Tran on behalf of Creditor Robinson Pharma, Inc.

ltran@kslaw.com, tle@kslaw.com

Aaron J Malo on behalf of Interested Party Magleby Cataxinos & Greenwood

amalo@sheppardmullin.com, jsummers@sheppardmullin.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On March 31, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Mark S. Wallace
United States Bankruptcy Court
411 West Fourth Street, Suite 6135
Santa Ana, CA 92701-4593

Securities and Exchange Commission
444 South Flower Street, Suite 900
Los Angeles, CA 90071

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 31, 2021 Ronald A. Clifford
Date *Printed Name*

/s/ Ronald A. Clifford
Signature

Case 8:20-bk-13335-SC

Label Matrix for local noticing

0973-8

Case 8:20-bk-13335-MW

Central District of California

Santa Ana

Wed Mar 31 10:37:36 PDT 2021

Santa Ana Division

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Anthem Blue Cross

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SACRAMENTO CA 95812-2952Franchise Tax Board
c/o General Counsel Section
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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Blakeley LLP

(u) DTO Law

(u) Greenberg Traurig, LLP

(u) Magleby Cataxinos & Greenwood

(u) Robinson Pharma, Inc.

(u) The Law Offices of Michael Jay Berger

(u) Vitamins Online, Inc

(d) Robinson Pharma, Inc.
3330 South Harbor Blvd.
Santa Ana, CA 92704-6831

(u) David Paul Doyle

End of Label Matrix

Mailable recipients	36
Bypassed recipients	9
Total	45